

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 18, 1997

DIVISION TWO

B109733 Kohagen (Not for Publication)
v.
Workers' Compensation Appeals Board

The decision is annulled and remanded to the WCAB for further proceedings consistent with this opinion.

Boren, P.J.

We concur: Fukuto, J.
Zebrowski, J.

B104792 L.A. County Dept. of Public Social Services (Not for Publication)
v.
Civil Service Commission of the County of Los Angeles
Ines M. Acosta

The judgment denying the petition for writ of mandate is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION TWO (Continued)

[illegible]

The Court:

The judgment is modified (1) by striking therefrom the 3-year enhancement period imposed pursuant to Penal Code section 12022, subdivision (b), and inserting in its place a 1-year enhancement period imposed pursuant to the same section, and (2) to provide that the 2-year term imposed for the felonious assault upon Di Domenico is stayed, for a total unstayed sentence of 15 years, rather than 19 years. The Clerk of the Superior Court is ordered to prepare an amended abstract of judgment reflecting the modification, and to transmit the amended abstract of judgment to the Department of Corrections. The judgment is affirmed in all other respects.

Boren, P.J., Fukuto, J., Nott, J.

[illegible]

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

DIVISION THREE

B106436 Crabtree (Not for Publication)
v.
Leonard

The trial court's order is affirmed. Parties to bear their own costs on appeal.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aranda, J. (Assigned)

DIVISION THREE (Continued)

B103777 Reisler (Not for Publication)

v.

Ford Motor Company

The judgment in favor of Ford is affirmed. Costs on appeal awarded in favor of respondent Ford. The appeal as to Walker is dismissed without prejudice to Ross's right to file a valid notice of appeal should Walker (or Ross) later obtain a final judgment.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aranda, J. (Assigned)

B095276 Goettling (Not for Publication)

v.

The City of Santa Monica

We reverse the order denying Goettling's petition for relief from late claim, and remand with directions to grant that petition. Costs on appeal awarded to appellant Goettling.

Kitching, Acting P.J.

We concur: Aldrich, J.
 Aranda, J. (Assigned)

B098699 Quarre (Not for Publication)

v.

Lyon

The judgment is affirmed. Costs on appeal to respondents.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION FOUR

B110102 People v. Cazares (Not for Publication)

The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Baron, J.

B114112 Scottsdale Insurance Company (Certified for Publication)
v.
S.C.L.A.
Spyglass Homeowner's Association

Writ denied. Costs are to be recovered by Spyglass.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Baron, J.

B106859 People (Not for Publication)
v.
Gaither

The Court:

Accordingly, we modify the judgment to reduce the Penal Code section 12022.6, subdivision (b) enhancements to Penal Code section 12022.6, subdivision (a) enhancements, and modify the judgment to reduce appellant's prison term by one year. The trial court is directed to prepare an amended Abstract of Judgment in accord with this opinion, and to forward it to the Department of Corrections. As modified the judgment is affirmed.

Epstein, Acting P.J., Hastings, J., Baron, J.

November 18, 1997-Continued

DIVISION FOUR (Continued)

B108501 People (Not for Publication)
v.
Siliezar

The Court:

For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J., Hastings, J., Baron, J.

DIVISION FIVE

Court convened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Jackson, J. (Assigned), and Jed H. Belcher, Deputy Clerk.

B104022 The People
v.
Erik Galen Menendez and Joseph Lyle Menendez

Merits:

Argued by Eric Multhaup for appellant Erik Galen Menendez and by Cliff Gardner and Robert Derham for appellant Joseph Lyle Menendez and by Kenneth C. Byrne and Sanjay T. Kumar, deputy attorneys general, for respondent. Cause submitted.

Court adjourned.

DIVISION FIVE (Continued)

B107755 Roger H. Proulx & Company (Not for Publication)

v.

Johnson & Higgins of Utah, Inc.

The judgment of dismissal is reversed. The trial court is directed to vacate its order sustaining the demurrer without leave to amend and enter a new and different order sustaining the demurrer with leave to amend. Proulx is awarded its costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Jackson, J. (Assigned)

B105535 People (Not for Publication)

v.

Pete Madrid Gomez

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B107795 Frederick Brown (Not for Publication)

v.

National Railroad Passenger Corporation

The sanctions order of October 10, 1996, is reversed and set aside. The parties are to bear their own costs on appeal and the remittitur is to issue forthwith.

Turner, P.J.

We concur: Grignon, J.
 Jackson,, J. (Assigned)

November 18, 1997-Continued

DIVISION SIX

B103528 People (Not for Publication)
v.
Tejeda

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

[illegible]

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B103161 People (Not for Publication)
v.
McDougald

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

November 18, 1997-Continued

DIVISION SIX (Continued)

B111713 Lechuga (Not for Publication)
v.
Somis Market

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

[illegible]

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Stone, P.J.
 Yegan, J.

(Not For Publication)

B107960 Simi Valley Le Parc Homeowners Assoc. etc.
v.
ZM Corporation

Filed order modifying opinion and denying petition for rehearing. (No change in judgment.)

DIVISION SEVEN

[illegible]

The judgment of the superior court dismissing appellants' complaint is affirmed. Respondent to recover his costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

[illegible]

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B110759 Yoshioka
v.
Superior Court of Los Angeles
Todd, et al.

Filed order modifying opinion. (No change in the judgment.)